

same were passed upon by the Supreme Court; provided upon any application in which the three judges are not unanimous, the same shall be determined by the Supreme Court.

Sec. 6. In cases referred to the commission the papers shall not be re-filed with said commission, and only such additional costs as may be essential to carry into effect the provision hereof shall be incurred by the parties to such cases by reason of the reference thereto.

Sec. 7. The commission shall hold its sessions in Austin at the same time and place as the Supreme Court, but it shall continue work during the vacation of the Supreme Court in mid-summer. The judges of the commission may take a vacation not to exceed eight weeks during said period.

Sec. 8. The commission shall appoint stenographers not exceeding four, each of whom shall receive an annual salary not to exceed fifteen hundred dollars, to be paid in monthly installments, on warrants approved by the Chief Justice of the Supreme Court.

Sec. 9. The Clerk of the Supreme Court shall perform the duties of clerk of said commission and shall be allowed for services rendered to said commission by him and his deputies, an additional compensation of fifteen hundred dollars per annum, to be paid out of the fees of his office.

Sec. 10. Said commission of Appeals shall have a seal, being a star with five points and the words "Commission of Appeals of the State of Texas" around the same.

Sec. 11. Regular dockets and minutes of all proceeding by or before said Commission of Appeals shall be kept and the records and proceedings of courts of record and all cases shall be docketed in the order in which they are transferred or referred by the Supreme Court. Said commission shall have the right to issue writs of certiorari to perfect the record, and such process as the Supreme Court might issue to make parties, and shall have power to punish for contempt. All laws and rules regulating practice and procedure in the Supreme Court shall be of force in the practice and proceedings of

the Commission of Appeals so far as applicable.

It is the intention of this Act to make more elastic the operation of the Commission of Appeals in order to expedite the disposition of causes in the Supreme Court and the Supreme Court is given full authority to assign such duties to the Commission of Appeals or the members thereof as it may deem proper in order to facilitate the dispatch of business before the Supreme Court.

Sec. 12. The salaries of the six commissioners, stenographers, porters, clerical help and other expenses essential to carry on the work of the Commission of Appeals shall be paid out of the appropriation made to take care of the salaries and expenses of the present commission as it now exists.

Sec. 13. The fact that the present Commission of Appeals will expire by its own limitation upon the last Saturday in June, 1931, and the further fact that the docket of the Supreme Court is still in a very crowded condition and will be so at the time the Commission of Appeals will expire, and the great necessity that cases now pending in the Supreme Court and petitions for writs of error to said court shall be disposed of as expeditiously as may be done, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read in each house on three several days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

THIRD DAY.

Senate Chamber,
Austin, Texas,
February 25, 1930.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem Williamson.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Parrish.
Hornsby.	Patton.
Hyer.	Russek.
Love.	Small.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Neal.	Witt.

Absent—Excused.

Parr.	Woodul.
Pollard.	Woodward.
Stevenson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Small:

S. B. No. 11, A bill to be entitled "An Act to create the 113th Judicial District of Texas and to give such court concurrent jurisdiction with the District Court of Gray County, Texas, in and for the 31st Judicial District of Texas, and concurrent jurisdiction with the District Court of Hutchinson and Carson Counties, in and for the 84th Judicial District of Texas, in all civil and criminal cases; to provide a clerk for said courts and the transfer to said 113th District Court of certain cases now pending in the 31st Judicial District Court in and for Gray County, Texas, and the 84th Judicial District Court in and for Hutchinson and Carson Counties, Texas; to designate the character of cases to be filed in said court after its organization; etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Love:

S. B. No. 12, A bill to be entitled "An Act providing that in the trial of criminal cases, the admissibility of evidence shall not be affected by the illegality of the means through which it was obtained, and repealing

all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and ruled out of order because not included in Governor's call.

By Senator Russek:

S. B. No. 13, A bill to be entitled "An Act conferring upon the Board of Regents of the University of Texas authority heretofore vested in the Board for Lease of University Lands under Sections 2 and 15 of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature and also conferring on said Board of Regents certain authority in connection with employing help needed in connection with matters covered by said Chapter 282 and under this Act; making an appropriation of certain moneys to be used in the performance of duties under this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Russek:

S. B. No. 14, A bill to be entitled "An Act amending certain sections of Chapter 282 of the General and Special Laws of the Regular Session of the Forty-first Legislature and repealing Sections 2 and 15 of said Chapter 282 so as to better provide for the disposition of oil and gas in University lands; providing better means and regulations to accomplish said purpose; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senators Excused.

The following Senators were excused for the day:

Senator Woodward, on motion of Senator Gainer.

Senator Woodul, on motion of Senator Wirtz.

Senator Stevenson, on motion of Senator Holbrook.

Senate Bill No. 2.

The Chair laid before the Senate on its second reading the following bill:

By Senator McFarlane:

S. B. No. 2, A bill to be entitled "An Act creating a commission to reorganize and centralize the penitentiary system of the State of Texas; providing for the sale of certain prison property and the location of said centralization plan; providing the necessary powers and authorities and duties of said commission to remodel or construct said system; providing for the manufacturing and supplying the Board of Control merchandise and supplies for the State's use by the prison system; authorizing and directing the Board of Control and the Highway Commission to purchase from the Prison Board certain materials, supplies and labor needed for the State's use; granting the necessary authorities power, privileges to carry into effect requirements of said reorganization of the prison system; and making an appropriation to carry out the provisions of the Act, and declaring an emergency."

Read second time.

Senator McFarlane raised the point of order that the bill had not been laid on the desk for 24 hours.

The Chair sustained the point of order.

Senate Bill No. 8.

The Chair laid before the Senate on its second reading the following bill:

By Senator Beck:

S. B. No. 8, A bill to be entitled "An Act providing for the reorganization of the penitentiary of the State of Texas; for the purchase of lands therefor; for construction of a central prison unit; providing for the disposition of the present penitentiary properties at Huntsville, Texas, and of certain of the farms now owned by the prison system; creating a Special Commission to select a proper site for the central prison unit, and defining the powers of said commission; providing for the manufacturing and supplying to the Board of Control of merchandise and supplies for State use by the prison system; authorizing and directing the State Board of Control and the State Highway Commission to purchase from the State Prison Board certain materials, supplies and

labor needed for State use; for the proper hospitalization and segregation of the inmates of the penitentiary; and providing for the construction of a female unit, and making an appropriation to carry out the provisions of this Act; and declaring an emergency."

Read second time.

Senator McFarlane raised the point of order that the bill had not been laid on the desks of the Senators 24 hours.

The Chair sustained the point of order.

Senator Witt moved to suspend the rule requiring committee reports to lie over 24 hours. The motion was lost by the following vote:

Yeas—14.

Beck.	Love.
Berkeley.	Moore.
Greer.	Neal.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Witt.

Nays—10.

Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Russek.
Martin.	Westbrook.
McFarlane.	Wirtz.

Absent—Excused.

Gainer.	Stevenson.
Miller.	Woodul.
Parr.	Woodward.
Pollard.	

(Two-thirds vote required.)

Simple Resolution No. 2.

Senator Witt sent up the following resolution:

Whereas, Hon. J. G. H. Buck, the distinguished father of the distinguished Gen. Beaumont B. Buck, is in the Senate Chamber; therefore be it

Resolved That he be accorded the privileges of the floor, and be invited to address the Senate.

WITT.

Read and adopted.

The Chair appointed Senators Witt, Love, and Parrish to escort Mr. Buck to the platform.

Mr. Buck Speaks.

The Chair introduced Senator Witt who introduced Mr. Buck. Mr. Buck briefly addressed the Senate.

Simple Resolution No. 3.

Senator Love sent up the following resolution:

Resolved, That the Attorney General be requested, immediately to advise the Senate whether the bill hereto attached can constitutionally be passed by the Legislature at its present called session, under proclamation by the Governor of date February 24, 1930, in which he says, "I submit for your consideration matters of judicial reform.

LOVE.

By Senator Love.

S. B. No. —

A BILL**To Be Entitled**

An Act providing that in the trial of criminal cases, the admissibility of evidence shall not be affected by the illegality of the means through which it was obtained, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In the trial of criminal cases, the admissibility of evidence shall not be affected by the illegality of the means through which it was obtained.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that existing provisions of the Code of Criminal Procedure make it unduly difficult for the State to enforce the law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each house on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The resolution was read.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

(Submitting Notaries Public. See immediately following last day's Journal.)

Read and referred to Committee on Governor's Nominations.

Recess.

On motion of Senator Witt, the Senate, at 12:15 o'clock, recessed until 2 o'clock.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Williamson.

Simple Resolution No. 3.

The question recurred upon the adoption of S. R. No. 3.

Senator Holbrook moved to lay the resolution on the table subject to call. The motion prevailed.

Senate Bill No. 10.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodward:

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature; etc., and declaring an emergency."

Read second time.

Senator McFarlane raised the point of order that the bill had not been laid on the Senators' desks 24 hours.

The Chair sustained the point of order.

Simple Resolution No. 3.

Senator Love called up from the table S. R. No. 3.

Senator Wirtz moved to table the resolution. The motion prevailed.

Senate Bill No. 5.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parrish:

S. B. No. 5, A bill to be entitled "An Act amending Section 8 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, so as to provide for and regulate applications for parole; etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report, carrying amendment, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	

Absent.

Miller.

Absent—Excused.

Parr.	Woodul.
Pollard.	Woodward.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	

Absent.

Miller.

Absent—Excused.

Parr.

Woodul.

Pollard.

Woodward.

Stevenson.

Adjournment.

On motion of Senator Witt, the Senate, at 3:12 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 25, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 5, A bill to be entitled "An Act amending Section 8 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, so as to provide for and regulate applications for parole; also amending Section 6 of said article as amended so as to provide that a person sentenced for a term not exceeding one year shall not come under this law; repealing Section 3 of said article as amended; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute bill.

A BILL

To Be Entitled

An Act amending Section 8, of Article 6203 of the Revised Civil Statutes of Texas, for 1925, as amended so as to provide for and regulate applications for parole; amending Section 3, of Article 6203 of the Revised Civil Statutes of Texas, as amended and declaring an emergency."

Have had the said committee substitute under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

McFARLANE, Chairman.

C. S. S. B. No. 5.

A BILL

To Be Entitled

An Act amending Section 8, of Article 6203 of the Revised Civil Statutes of Texas, for 1925, as amended so as to provide for and regulate applications for parole; amending Section 3, of Article 6203 of the Revised Civil Statutes of Texas, as amended and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 8 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, is hereby amended so as to read as follows:

"Sec. 8. Method of Release.—Application for parole when he shall become eligible may be made to the board by or on behalf of a prisoner, or the board may consider the parole of a prisoner on its own initiative or at the request of the Governor. At the last meeting of the board prior to the expiration of the minimum time of each prisoner eligible for parole, it shall be the duty of the board to cause to be brought before it all information with regard to such prisoner referred to in Section 5. In addition, it shall have before it a report from the warden or manager of each prison or prison farm on which such prisoner has been confined as to the prisoner's conduct in prison, with a detailed statement as to all infractions of prison rules and discipline, all punishments meted out to such prisoner and the circumstances connected therewith, as well as a report from each such official as to the extent to which such prisoner has responded to the efforts made in prison to improve his mental and moral condition. Such board shall also have before it the report of such physical, mental and psychiatric examinations as have been made of such prisoner. No prisoner shall be recommended for release on parole except by a majority vote of the members of the board nor unless the board is satisfied that he will be suitably employed in self sustaining employment if so released."

Sec. 2. Section 3 of Article 6203 of the Revised Civil Statutes of Texas for 1925, as amended, is hereby amended so as to read as follows:

"Sec. 3. Action on Application for Pardon.—When an application for pardon is referred to the board by the Governor, the Secretary of the board shall immediately, by registered mail notify the prosecuting officer, or officers, and the sheriff of the county in which the applicant was convicted, or in which the alleged crime was committed, or both, of the filing of such application and that they or either of them, or any interested party, may within ten days from the receipt of such notice, present in person or in writing to said board their objection, if any, to the granting of such pardon."

Sec. 3. The fact that the present parole law does not adequately provide for the benefit of paroles and pardons to prisoners confined in the penitentiary, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 25, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 11, A bill to be entitled "An Act to create the 113th Judicial District of Texas and to give such court concurrent jurisdiction with the District Court of Gray County, Texas, in and for the 31st Judicial District of Texas, and concurrent jurisdiction with the District Court of Hutchinson and Carson Counties, in and for the 84th Judicial District of Texas, in all civil and criminal cases."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

FOURTH DAY.

Senate Chamber,

Austin, Texas,

February 26, 1930.

The Senate met at 10 o'clock a.